1945

File No. 3. Village Laws
45

Legal Dept
B **BRANCH**

Subject:— Governors Bill No

~~XIV~~ XIV of 1945

A Bill to amend the

Bom... V. P. Act 1945 33

Bom Act No XIV of 1945

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1945

File No. 6 Bom Village Panch
45

Gen. 193-6.

357-B

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Office of the R.L.A.

Revised drafts of Bill and Statement are sent herewith.

2. Attention is invited to the Bill relating to amendments of sections 89(1) and 108(1)(m) of the Act furnished to the General Department with this Office No. 1330 dated the 18th February 1944. There will be no objection to publishing the present Bill in due course separately for objections and then amalgamating both the Bills into a siggle amending Act.

3. The subject-matter of the Bill falls under entries 13 and 42 in List II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935 and paragraph (2) of the Proclamation. Under executive instructions the Bill requires the previous concurrence of the Governor General before enactment.

o/c Sd/-
11/1/45.
Remembrancer of Legal Affairs.

U.R. to G.D. No. 321 dated the 11th January '45.

C.G.R. 16-7

C 5

No. S 3575

Legal Department,
Bombay Calsle, 7th May 1945.

From

P.N. Moos, Esquire, Bar-at.law, I.C.S.,
Secretary to the Government of Bombay,

To
The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay village Panchyats Act, 1933.

.....

Sir,

With reference to your memorandum No. 201 (93), dated the 19th February 1945, addressed to the Gene General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay village Panchayats Act, 1933, prepared by His Excellency the Governor under paragraph (2) of the proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. The subject-matter of the Bill falls under xx entries 13 and 42 in List II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107 (2) of the Government of India Act, 1935 and paragraph (2) of the Proclamation.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one spare copy of the

Bill. P.T.O.

Your obedient servant,

o/c 28/- 5/5/45

Secetary to the Government
of Bombay,
Legal Department.

Through -

The Secretary to the Goverment of Bombay,
General
~~Revenue~~ Department.

C.G.R. 16-7

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No.201 (93),

Office of the Governor's Secretary

Government House.

From

D. Symington, Esquire, CIE.ICS.
Secretary to the Governor of Bombay

To

The Secretary to Government,
Legal Department, Bombay.

Bombay 16th May 1945.

Subject; A Bill to amend the Bombay village Panchayats Act, 19 33.

Sir,

With reference to your letter No.3575, dated the 7th May 1945, on the above subject, I am directed to return herewith the copy of the Bill to amend the Bombay Village Panchayats Act, 1933, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to mx state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient Servant,

Sd/-

Secretary to the Governor of Bombay.

C.G.R 16-7

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Acts.

Publication of the Bombay Village panchayats (Second Amendment)Act, 1945.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 3840
Bombay Castle, 18th May 1945.

Letter to the Secretary to Governor, No.3575, dated the 7th May 1945.

Letter from the Secretary to the Governor, No. 201 (93), dated the 16th May 1945.

"With reference to your letter No.3575, dated 7th May 1945, on the above subject, I am directed to return herewith the copy of the Bill to amend the Bombay Village Panchatats Act, 1933, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935 and to state that under the provisions of the aforesaid paragraph his Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION: The law should be published as Bombay Act No.XIV of 1945, in the Bombay Government Gazette dated the 18th May 1945.

2. The Act should be translated into Marathi, Gujarati, Kannada and Kindustani (in Urdu and Devnagari scripts) and the tranlstions should be published in the Bombay Government Gazette.

3.. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay.

for (Sd/-
(P.N. Moos.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Departmetn.
The General Departmetn,
The Oriental Tranleator to Government,
The secretary to the Bomby Legislative council,) With a copy of
The Secretary to the Bombay Legislative Assembly) the Act.

With five extra copies.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 18TH MAY 1945.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. XIV OF 1945—An Act to amend the Bombay Village Panchayats Act, 1933	88-89

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 16th May 1945 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XIV OF 1945.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 18th May 1945.)

An Act to amend the Bombay Village Panchayats Act, 1933.

WHEREAS it is expedient to amend the Bombay Village Panchayats Act, 1933, for the purpose hereinafter appearing;

Bom. VI of 1933.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay Village Panchayats (Second Amendment) Act, 1945. Short title.

Amen. of section 89 of Bom. VI of 1933.

2. In section 89 of the Bombay Village Panchayats Act, 1933, for sub-section (*1*) the following shall be substituted, namely :—

"(*1*) Every panchayat, other than a panchayat in the districts of Kolaba, Ratnagiri and Kanara, shall levy a tax upon the owners or occupiers of houses and lands which are not subject to payment of agricultural assessment within the limits of the village in such manner and at such rates as may be prescribed.

(*1A*) Every panchayat in the districts of Kolaba, Ratnagiri and Kanara shall levy a tax upon the owners or occupiers of houses including farm buildings whether or not subject to payment of agricultural assessment and of lands which are not subject to payment of agricultural assessment, within the limits of the village in such manner and at such rates as may be prescribed.

(*1B*) The rules made for the levy of the tax specified in sub-sections (*1*) and (*1A*) may provide that the payment of such tax may be made either in cash or by the rendering of work and labour."

STATEMENT.

Section 89 (*1*) of the Bombay Village Panchayats Act, 1933, provides that a village panchayat shall levy a tax upon the owners or occupiers of houses and lands which are not subject to payment of agricultural assessment within the limits of the village in such manner and at such rates as may be prescribed.

In the villages of Ratnagiri, Kanara and Kolaba districts there are usually no regular gaothans ; the houses in such villages stand on land paying agricultural assessment and are considered as "farm-buildings". Under the provisions of section 89(*1*) of the Act, as it stands at present, village panchayats cannot levy a tax on such houses with the result that the panchayats are deprived of their main source of income. It is therefore decided to amend section 89 of the Act so as to empower a panchayat in the districts of Ratnagiri, Kanara and Kolaba to levy a tax on owners or occupiers of all houses (including farm-houses).

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.